

International and Immigration Policy Group 2 Marsham Street London SW1P 4DF Tel: 020 7035 4848 Fax: 020 7035 4745 www.gov.uk/homeoffice

By Email:

FOI Reference: 38444

Date: 1 March 2016

Dear

Thank you for your e-mail of 5 February 2016, in which you ask for:

- a.) The UK's submission to, and any further correspondence with, the United Nations Working Group on Arbitrary Detention (UNWGAD), with regards to the Julian Assange Case
- b.) Correspondence between the UK and Sweden related to UNWGAD and the Assange case

Your request has been handled as a request for information under the Freedom of Information Act 2000.

a.) The UK's submission to, and any further correspondence with, the United Nations Working Group on Arbitrary Detention (UNWGAD), with regards to the Julian Assange Case

The Home Office does not hold the information which you have requested.

b.) Correspondence between the UK and Sweden related to UNWGAD and the Assange case

The Home Office neither confirms nor denies whether it holds the information that you have requested under Section 27 and 31 of the Act.

Section 27 of the 2000 Act pertains to information that would, or would be likely to, prejudice international relations between the UK and another country/territory and section 31 relates to information that would prejudice law enforcement.

Sections 27 and 31of the Act are qualified exemptions and require the consideration of the public interest in deciding whether or not to disclose the requested information. Arguments



for and against disclosure in terms of the public interest, with the reasons for our conclusion, are set out in the attached **Annex A**.

This response should not be taken as conclusive evidence that the information you have requested is or is not held by the Home Office.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference 38444. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Rights Team
Home Office
Fourth Floor, Peel Building
2 Marsham Street
London SW1P 4DF
e-mail: foirequests@homeoffice.gsi.gov.uk

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

Catriona Low

International and Immigration Policy Group (IIPG)

Annex A

Freedom of Information request from Hazel Press (reference 38444)

Information requested

Correspondence between the UK and Sweden related to the UN Working Group on Arbitrary detention and the Assange case

Response

The Home Office neither confirms nor denies whether it holds the information that you have requested under sections 27 and 31 of the Act.

Section 27

- 27 (1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice—
- (a) relations between the United Kingdom and any other State,
- (b) relations between the United Kingdom and any international organisation or international court,
- (c) the interests of the United Kingdom abroad, or
- (d) the promotion or protection by the United Kingdom of its interests abroad.
- (2) Information is also exempt information if it is confidential information obtained from a State other than the United Kingdom or from an international organisation or international court.
- (3) For the purposes of this section, any information obtained from a State, organisation or court is confidential at any time while the terms on which it was obtained require it to be held in confidence or while the circumstances in which it was obtained make it reasonable for the State, organisation or court to expect that it will be so held.
- (4) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a)-
- (a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1), or
- (b) would involve the disclosure of any information (whether or not already recorded) which is confidential information obtained from a State other than the United Kingdom or from an international organisation or international court.

Section 31

- (1) Information which is not exempt information by virtue of section 30 is exempt if its disclosure under this Act would, or would be likely to, prejudice
 - a) The prevention or detection of crime
 - b) The apprehension or prosecution of offenders
 - c) The administration of justice
 - d) To (i)

(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1) (a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).

Public Interest test

Some of the provisions in the FOI Act are qualified and subject to a public interest test (PIT). This test is used to balance the public interest for and against saying whether the information requested is held or not.

The 'public interest' is not the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole in saying whether information is held or not. Transparency and the 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public.

The FOI Act is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone, including those who might represent a threat to the UK.

Considerations in favour of confirming whether or not we hold the information

The Home Office recognises that there is a general public interest in transparency and openness in Government. It is acknowledged that disclosure of any documents - where they do exist - could improve public understanding of international co-operation processes.

Considerations in favour of neither confirming nor denying whether we hold the information

Section 27

It is the duty of the Secretary of State to protect the ongoing affairs of our international partners and therefore where the release of information could prejudice relations between the UK and another state, the Home Office position is that we neither confirm nor deny the existence of such information. This is the government position in cases where there is no information as well as when such information does exist.

Section 31

It is the duty of the Secretary of State to protect the ongoing work of law enforcement to avoid jeopardising any work they are currently carrying out. As such, the government position is that it neither confirms nor denies information which could prejudice law enforcement.

Disclosure could prejudice law enforcement by:

- Diminishing the chances of a successful prosecution, future charges or making arrests
- Endangering victims, witnesses or others as they participate in investigations and proceedings
- Impeding other ongoing or future proceedings
- Facilitating the commission of crime

In addition disclosure could also assist potential offenders and accused individuals to obtain detailed knowledge of procedures and techniques used in criminal investigations.

There is clearly a strong public interest in doing everything we can to carry out laws designed to prevent crime and protect citizens.

Balance of Public Interest

We conclude that the balance of the public interest lies in neither confirming nor denying whether we hold the information. This response should not be taken as confirmation that the information you have requested is or is not held by the Home Office.

Date: 1 March 2016